

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIO HATRI WOOTEN,

Plaintiff,

No. CIV S-02-2408 FCD PAN P

vs.

GARY J. LEONARD, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

On February 17, 2006, the court gave plaintiff 30 days to file an opposition or a statement of non-opposition to defendants' motion for summary judgment and warned plaintiff that failure to comply would result in a recommendation that this action be dismissed for plaintiff's failure to prosecute.

The 30 days have passed and plaintiff has not filed an opposition or notice of non-opposition or otherwise responded to the February 17, 2006, order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for plaintiff's failure to prosecute. See Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 20 days after being served with these findings and recommendations, plaintiff may file written objections.

1 The document should be captioned "Objections to Magistrate Judge's Findings and  
2 Recommendations." Failure to file objections within the specified time may waive the right to  
3 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 DATED: April 6, 2006.

5  
6   
7 UNITED STATES MAGISTRATE JUDGE

8 \004  
9 \woot2408.f&r 46 msj